IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 357 OF 2005

Prakash Ganpati Desai ... Petitioner

V/s.

The Brihanmumbai Municipal Corporation & 4 others. ... Respondents

Mr. Appasaheb Desai for the petitioner.
Mr. P.M. Palshikar with Shobha Ajitkumar for the respondents.

CORAM : ANOOP V. MOHTA,J.
DATED : 18th December, 2006

P.C.

. The petitioner has challenged the order passed by the respondents of imposing penalty of stopping two years' increments for the charges proved against him. The relevant charges are as under:-

> "When you were working at the Bombay Panvel Octroi naka in second session on 13.12.1999, it was your responsibility to do the inspection of the documents vide A,B form and if any doubtful documents found to recover the proper octroi by doing inspection of the material in the vehicle. But on 13.12.1999 you have while doing valuation of the material imported submitted before you vide "A" "B" form No.118 B, when the description of the said material was mentioned in the enclosed Chalan as "Rejected papers tared at corner" when it was necessary for you to have doubt without doing inspection of the material of the vehicle has done the valuation of the same. But since said vehicle was caught by the employee of the Godown Inspecting Squad the said amount is recovered"

"The aforesaid act is negligent".

2. After taking detailed report of the Departmental Enquiry the concerned authority has passed the impugned order, as charges levelled against him were proved. The Appellate Authority also after considering the submissions made by the petitioner has confirmed the same.

3. After hearing both the parties and after going through the report, I see there is no case made out by the petitioner to interfere with the findings initially arrived at by the inquiry officer, after holding due enquiry and later on confirmed by the concerned appellate authorities. The review was also dismissed. There is no perversity as such it could be said sufficient to interfere with the said findings arrived at by the authorities based on the sufficient material and the evidence lead by the parties. There is no case of breach of principle of natural justice. The view taken is possible view. Considering this the petition is dismissed. Rule discharged. No costs.

[ANOOP V. MOHTA, J.]